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12 AMERICAN CIVIL LIBERTIES UNION OF
13 NORTHERN CALIFORNIA and
14 SAN FRANCISCO BAY GUARDIAN

15 UNITED STATES DISTRICT COURT

16 FOR THE NORTHERN DISTRICT OF CALIFORNIA

17 SAN FRANCISCO DIVISION

18 AMERICAN CIVIL LIBERTIES UNION
19 OF NORTHERN CALIFORNIA; SAN
20 FRANCISCO BAY GUARDIAN,

21 Plaintiffs,

22 v.

23 DRUG ENFORCEMENT
24 ADMINISTRATION,

25 Defendant.

CASE NO.: C 11-01997 RS

**DECLARATION OF TIM REDMOND ISO
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

Hearing Date: May 12, 2011

Time: 1:30 pm

Dept.: Courtroom 3, 17th Floor

1 I, Tim Redmond, declare as follows:

2 1. I am the executive editor of the San Francisco Bay Guardian. The facts set forth in
3 this declaration are based on my personal knowledge and, if called to testify, I would and could
4 competently testify thereto.

5 2. The Bay Guardian is a corporation organized in the state of California and
6 headquartered in San Francisco, California. It is a newspaper of general circulation and has the
7 largest circulation of a newsweekly in Northern California, with an audited weekly distribution of
8 100,000 . The Bay Guardian is locally owned, independent, has been published continuously
9 since 1966, and its primary activity is publishing or otherwise disseminating information to the
10 public. In 2011, The Bay Guardian received the California Newspaper Publishers Association's
11 General Excellence award for a weekly newspaper.

12 3. I have been a professional journalist for more than 30 years. I have been a reporter,
13 political editor, city editor, and managing editor before becoming executive editor. My work has
14 been published in dozens of weekly newspapers and several national magazines including Mother
15 Jones, Playboy and Omni. I am the author of a book on environmental history (Not in Our Back
16 Yard, William Morrow, 1992). I have won more than 35 national and local journalism awards.

17 4. I have written about criminal-justice issues for many years, and have overseen
18 numerous major stories on the topic. The Bay Guardian has consistently covered the California
19 Department of Corrections and Rehabilitation, with particular interest in the prison system and
20 capital punishment. Our stories on these topics have won major awards, have received
21 tremendous feedback from readers and have always been popular. A recent online blog related
22 entirely to prison issues has been among the most popular features ever on our website,
23 www.sfbg.com, consistently attracting more comments than almost any other feature.

24 5. In 2010, The Bay Guardian reported repeatedly on the nationwide shortage of
25 sodium thiopental, one of the drugs commonly used in lethal injection protocols, and the
26 "desperate lengths state officials [in California] have gone to procure the death drugs," including
27 trading drugs with Arizona and ultimately importing sodium thiopental from the United Kingdom.

1 See, e.g., Tim Redmond and Rula Al-Nasrawi, "Mysteries of the Death Drug Scramble," San
2 Francisco Bay Guardian, Dec. 14, 2010.

3 6. On January 4, 2011, The Bay Guardian in conjunction with the American Civil
4 Liberties Union of Northern California submitted a request under the Freedom of Information Act
5 to the Drug Enforcement Administration to obtain records about efforts by states (including states
6 other than California) to obtain sodium thiopental from foreign sources.

7 7. It is my professional opinion that the readers of The Bay Guardian have a direct
8 interest in the subject, and that the public wants to know how a drug has been procured that will
9 be used in the execution of human beings. There is nothing that the government does that is more
10 profound – and more in need of public scrutiny – than the official act of taking a life. In my
11 experience as a journalist, the public is concerned about every aspect of the execution process,
12 and particularly interested in learning about issues that impact its legality.

13 8. I recently learned that Arizona and Nebraska, two states that obtained sodium
14 thiopental from foreign sources have set execution dates, of May 25, 2011 and June 14, 2011,
15 respectively.

16 9. Although the death penalty is always a newsworthy topic, public interest in the
17 topic is even more heightened when a specific execution has been scheduled. As a journalist, I
18 would be particularly interested in reviewing DEA records regarding Arizona and Nebraska
19 before the executions in those two states occur.

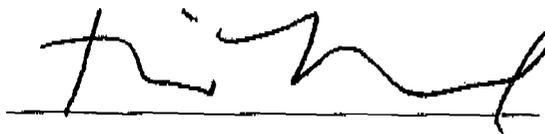
20 10. Those records will shed light on whether those states complied with federal drug
21 laws in importing sodium thiopental and whether the federal government has properly exercised
22 regulatory oversight. As has been reported in the media, the DEA has seized the supply of four
23 states which obtained sodium thiopental originating from a British distributor. But Arizona
24 obtained its supply of sodium thiopental from the very same distributor. Why then has the DEA
25 not yet seized Arizona's supply? The records sought in our January FOIA requests may shed
26 light on this extremely newsworthy topic.

11. Recent media accounts indicate that Nebraska obtained its supply of sodium thiopental from an Indian company that has publicly stated it does not have authorization to send such drugs to the United States. I would also like to be able to report to the public about whether DEA officials have been derelict in enforcing the law by allowing Nebraska to retain its supply of the drug under these circumstances. Again, the records in our January FOIA requests may shed light on this highly newsworthy topic.

12. Although the information sought in our FOIA requests will continue to be newsworthy even after the Arizona and Nebraska executions, the public has a pressing right to learn about the conduct of government officials before another execution using these controversial drugs occurs.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 25 day of April 2011 in San Francisco, California.



Tim Redmond